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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 ROBERT BOULE,

9 Plaintiff,

10 v.

11 ERIK EGBERT, *et al.*,

12 Defendants.

Case No. C17-0106RSM

ORDER GRANTING MOTION TO  
COMPEL AND FOR EXTENSION OF  
DISCOVERY DEADLINE

13 THIS MATTER comes before the Court on Defendant's Motions to Compel Discovery  
14 (Dkt. #60) and for Extension of Deadlines for Certain Discovery and Dispositive Motions (Dkt.  
15 #63). Plaintiff did not oppose the motion. Dkt. #69. Non-parties U.S. Customs and Border  
16 Protection ("CBP") and U.S. Immigration and Customs Enforcement ("ICE") essentially respond  
17 that the information sought by Defendant Egbert may now be disclosed. Dkt. #56. The Agencies  
18 do not address or oppose the substantive arguments made by Defendant Egbert as to the scope of  
19 documents and/or information he is seeking. *Id.*

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21 Pursuant to this Court's Local Civil Rules, "[e]xcept for motions for summary judgment,  
22 if a party fails to file papers in opposition to a motion, such failure may be considered by the  
23 court as an admission that the motion has merit." LCR 7(b)(2). The Court deems the Agencies'  
24 failure to respond to all of Defendant Egbert's motion to be such an admission in this case.  
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26 Accordingly, having reviewed the motions, the responses thereto and replies in support  
27 thereof, along with the remainder of the record, the Court hereby finds and ORDERS:  
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1 1. Defendant's Motion to Compel (Dkt. #60) is GRANTED. For the reasons set forth  
2 by Defendant Egbert in his motion and reply brief, the Court agrees that an Order  
3 compelling the completion of discovery is warranted. Accordingly:

4 a. **No later than fourteen (14) days from the date of this Order**, ICE and CBP  
5 shall produce the records responsive to Agent Egbert's subpoenas;

6 b. **No later than ten (10) days from the date of this Order**, ICE and CBP shall  
7 issue to Plaintiff's counsel written authorization for Mr. Boule to testify freely  
8 about all relevant issues in this matter;

9 c. **No later than ten (10) days from the date of this Order**, ICE and CBP shall  
10 issue to defense counsel written authorization for Agent Egbert and nonparty  
11 witnesses, including Agent Olson and former Agent Andersen, to disclose and  
12 testify about all relevant information regarding Mr. Boule and the Smuggler's  
13 Inn;

14 d. **No later than twenty-one (21) days from the date of this Order**, Mr.  
15 Boule's deposition shall be resumed;

16 e. CBP and ICE shall pay the reasonable fees and costs Agent Egbert incurred  
17 to bring this motion, and the reasonable fees and costs Agent Egbert will incur  
18 to take the resumed depositions of Mr. Boule and Agent Olson. **No later than**  
19 **14 days after the depositions of Mr. Boule and Agent Olson**, Defendant  
20 Egbert shall submit a supplemental motion for attorney fees, supported with a  
21 Declaration of his fees associated with his Motion to Compel and the  
22 continued depositions of Mr. Boule and Agent Olson. The supplemental  
23 motion shall be noted for the second Friday after it is filed. The Agencies and  
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1 Plaintiff may file Responses no later than the Monday before the noting date,  
2 addressing only the reasonableness of the fees requested. No Reply shall be  
3 filed.

4 f. Nothing in this Order shall be construed to prevent Plaintiff's counsel from  
5 making good-faith objections pursuant to FRCP 30(c) during his deposition  
6 that are unrelated to alleged confidentiality issues.  
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8 2. Defendant's Motion for an Extension of Deadlines for Certain Discovery and  
9 Dispositive Motions (Dkt. #63) is GRANTED IN PART. For the reasons set forth in  
10 Defendant's motion, the Court finds good cause for an extension of the discovery  
11 deadline for certain areas of discovery and for dispositive motions. However, due to  
12 the timing of this Order and the fact that documents remain to be produced and  
13 depositions to be taken, and the fact that a trial in this matter is currently scheduled  
14 for July 23, 2018, the Court shall STRIKE THE CURRENT TRIAL DATE AND  
15 PRE-TRIAL DEADLINES from the discovery deadline forward. **No later than**  
16 **fourteen (14) days from the date of this Order, the parties shall meet and confer**  
17 **and submit a Joint Status Report proposing a new trial date and associated pre-**  
18 **trial deadlines for the Court's consideration. The parties are free to contact the**  
19 **Court's In-Court Deputies for available trial dates prior to submitting the Joint**  
20 **Status Report.**  
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24 DATED this 14 day of May, 2018

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26 RICARDO S. MARTINEZ  
27 CHIEF UNITED STATES DISTRICT JUDGE  
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